

REMARKS

This application has been carefully reviewed in light of the Office Action dated November 17, 2004. Claims 1-29 remain pending in this application. Claims 1, 10, and 23 are the independent claims. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-18 and 21-25 under 35 U.S.C. § 103(a) as being unpatentable over Dunn et al. (U.S. Patent No. 5,758,288; hereinafter "Dunn") in view of Hillis (U.S. Patent No. 5,303,297; hereinafter "Hillis"). The Office Action also rejected Claims 20 and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Dunn in view of Hillis and further in view of Melampy et al. (U.S. Patent No. 5,566,236; hereinafter "Melampy"). Applicant respectfully traverses the rejections for at least the following reasons:

As stated in the Office Action, Dunn fails to recite or suggest "that billing can be done using a least cost routing that is choosing a rate lower than a normal rate or choosing rate based on location where the rate would be lower/higher than a usual rate, even though according to Dunn, billing or charges would be performed based on location information." The Office Action states: "Hillis teaches a dynamic pricing method... wherein a call rate can change based on location information before placement of a call or during a call in." Applicants respectfully believe that N:\UserPublic\WX\Amendments\2005 Amendments\DE000224.amd.doc 10

Hillis does not recite or suggest a dynamic pricing method. Rather, Hillis recites computing a call rate at a telephone system 30, transferring the rate information back to an individual subscriber unit 15, and then alerting a user to the rate information. The user then decided whether or not to place a call based on the calculated rate. (See, e.g., Col. 3, lines 57-64) Even though Hillis' system "continues to update the rate information" (Col. 4, lines 12-13) this only then alerts the user to a calculate rate and requires a user to decide whether or not to place a call.

Hillis and Dunn fail to recite or suggest transmitting, in response to the reception of the first signal, a second signal to a base station of the telecommunication system which switches over to a different user rate in response to the reception of the second signal. Rather, the combination of Dunn and Hillis would require a user to actively select whether a given rate was desirable enough to place the call once a second signal was available based on location, time, etc. This active step required by Hillis teaches away from Applicant's invention by requiring this active step, as opposed to transmitting a second signal and switching to that second signal based on the user rate. Thus Applicant respectfully traverses the § 103 rejection of Claim 1.

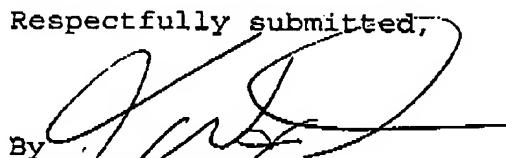
Claims 10 and 23 recite a system and a fixed station, respectively, substantially corresponding to the method of Claim 1 and are believed patentable for at least the same reasons.

Claims 2-9, 11-22, and 24-29 depend from one or another of the independent claims discussed above and are believed patentable for at least the same reasons. In addition, Applicant respectfully believes Claims 2-9, 11-22, and 24-29 to be independently patentable and request separate consideration of each claim.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

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